

CM No. 5900-CII-2018 in/and
CR No. 8480 of 2017 (O/M)
Date of decision : 5.4.2018

..... Petitioner

Versus

..... Respondent

Present:- Mr. Neeraj Kumar, Advocate,
for applicant-petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

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Documents (Annexure-P-4 and Annexure-P-5) are taken on record.

Application is disposed of.

Main case

Impugned in present revision is order dated 30.10.2017 (Annexure-P-1), passed by learned Additional Civil Judge (Senior Division), Rohtak, vide which evidence of defendant was closed by order. Also impugned is order dated 15.11.2017 (Annexure-P-3), whereby trial Court refused to recall said order.

I have heard the learned counsel for petitioner and perused the documents.

The learned counsel for petitioner does not refute that he was granted nine opportunities to lead the evidence. It is claimed that two

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witnesses were present on the date when evidence was closed by order. However, said witnesses were not recorded to be present. Therefore, said averment cannot be accepted from its face. Moreover, no affidavit of any witness in examination in chief was filed to show that they were ready for examination in chief. More than sufficient opportunities were granted. There has to be some end to the litigation. There is no illegality or infirmity in impugned order. Consequently, revision is dismissed. Since main case has been dismissed, therefore, pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

5.4.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No